



RESOLUTION

TO RETAIN THE SERVICES OF HARRISON & MATSUOKA, AAL, AS A SPECIAL DEPUTY CORPORATION COUNSEL TO REPRESENT HONOLULU POLICE DEPARTMENT OFFICER ADRIAN PAIVA IN A LEGAL ACTION ENTITLED STATE OF HAWAII V. ADRIAN PAIVA, CASE NO. 1DCW-19-0004122 (EWA DIST. CT.)

WHEREAS, Section 5-203 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) ("RCH") provides:

The corporation counsel shall serve as the chief legal adviser and legal representative of all agencies, the council and all officers and employees in matters relating to their official powers and duties. Except as otherwise provided by federal or state law, the determination whether a matter relates to official powers and duties shall be made by the corporation counsel and shall include, among other things, consideration of case law applicable to the concept of course and scope of employment. The corporation counsel shall represent the city in all legal proceedings, except as otherwise provided in this charter. The corporation counsel shall perform all other services incident to the office as may be required by this charter or by law.

and

WHEREAS, pursuant to Section 5-204.1 of the RCH, "Special deputies may be appointed by the corporation counsel, with the approval of the city council," and

WHEREAS, on or about August 29, 2019 and on or about September 3, 2019, Officer Adrian Paiva was on duty with the Honolulu Police Department ("HPD") when he allegedly placed his hand on an HPD Recruit's buttock; and

WHEREAS, on December 11, 2019, the Department of the Prosecuting Attorney filed a criminal complaint against Officer Adrian Paiva in the District Court of the First Circuit, Ewa Division, under case number 1DCW-19-0004122; and

WHEREAS, the Department of the Corporation Counsel does not currently have the expertise to provide adequate legal representation in criminal matters; and

WHEREAS the Department of the Corporation Counsel seeks to retain Harrison & Matsuoka, AAL to be prepared to immediately respond or appear in court as a Special Deputy for Officer Paiva; now, therefore,



RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu that:

(1) Pursuant to the mandate of RCH Sections 5-203 and 5-204.1, the Council authorizes the retention of Harrison & Matsuoka, AAL as Special Deputy to represent Officer Adrian Paiva in his defense of the above referenced matter;

(2) The total sum to be expended to pay the Special Deputy Corporation Counsel shall not exceed \$15,000.00, but this amount may be increased by the Council if it is satisfied with the justification made upon the recommendation of the Corporation Counsel for an increase in the stated maximum amount; and

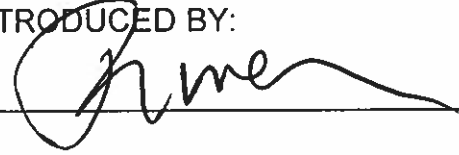
(3) The Special Deputy may be paid monthly for his services; provided that he submits to the Corporation Counsel, an itemized monthly statement reflecting the specific services rendered, together with the total number of hours billed for the specific services at one-tenth of an hour, and such monthly statement shall be reviewed and approved by the Corporation Counsel before any payments may be made by the City; and



RESOLUTION

BE IT FINALLY RESOLVED by this Council that the Clerk be and is hereby directed to transmit copies of this resolution to Department of the Corporation Counsel and Harrison & Matsuoka, AAL, 1001 Bishop Street, #1180, Honolulu, Hawaii 96813.

INTRODUCED BY:

 (br)

Councilmembers

DATE OF INTRODUCTION:

MAY 20 2020

Honolulu, Hawaii

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 20-129

Introduced: 05/20/20 By: RON MENOR – BY REQUEST Committee: EXECUTIVE MATTERS
AND LEGAL AFFAIRS

Title: RESOLUTION TO RETAIN THE SERVICES OF HARRISON & MATSUOKA, AAL, AS A SPECIAL DEPUTY
CORPORATION COUNSEL TO REPRESENT HONOLULU POLICE DEPARTMENT OFFICER ADRIAN PAIVA IN A
LEGAL ACTION ENTITLED STATE OF HAWAII V. ADRIAN PAIVA, CASE NO. 1DCW-19-0004122 (EWA DIST. CT.).

Voting Legend: * = Aye w/Reservations

05/19/20	EXECUTIVE MATTERS AND LEGAL AFFAIRS	CR-131 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION. 7 AYES: ANDERSON, ELEFANTE, KOBAYASHI, MENOR, PINE, TSUNEYOSHI, WATERS. 2 EXCUSED: FUKUNAGA, MANAHAN.
06/01/20	COUNCIL	CR-131 AND RESOLUTION 20-129 WERE ADOPTED. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


GLEN I. TAKAHASHI, CITY CLERK


IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER